

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tapani LEVOLA

Application No.: 10/538,972

Group No.: 2874

Filed: June 14, 2005

For: Diffractive Grating  
Element for Balancing  
Diffraction Efficiency

Examiner: Rhonda Peace

Date of mailing "Notice of Allowance and  
Base Issue Fee Due" June 4, 2008

Batch No. \_\_\_\_\_

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: (HAND CARRIED) "Petitions to Withdraw from Issue may be hand carried to the Office of Petitions on the 7th floor of the Madison West building, 600 Dulany Street, Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Office of Petitions at 571 272 3282 for delivery assistance. Hand carried papers will be accepted on business days between the hours of 8:30 a.m. until 3:45 p.m." See "New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence", 1296 OG 76, July 12, 2005.

NOTE: (FAX) Petitions to Withdraw from issue: 571-273-0025 facsimile number. See "New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence", 1296 OG 76, July 12, 2005.

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PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID  
(37 C.F.R. § 1.313(c))

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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I hereby certify that, on the date shown below, this correspondence is being:

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Lorraine F. Kniffin

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 1 of 4 )

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

NOTE: In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG, May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

### PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

### PATENT ISSUE FEE

2. The issue fee for this case has been paid on 18-Aug-08

(complete the following if known)

This application is scheduled to

- ☐ issue on \_\_\_\_\_  
☐ as patent \_\_\_\_\_

### REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.  
(b) ☒ consideration of a request for continued examination under § 1.114.  
(c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.  
(d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached ONE sheet(s).

## AMENDMENT

NOTE: Any amendment accompanying a petition to withdraw an application from issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment.

## PETITION FEES

5. **PETITION FEES** (37 C.F.R. § 1.17(h) (\$130.00)

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$130.00  
☒ Authorization is hereby made to charge the amount of \$130.00  
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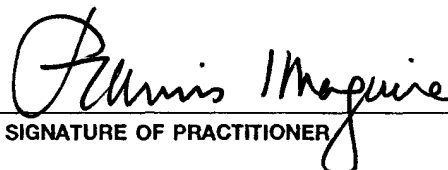
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SIGNATURE OF PRACTITIONER

Francis J. Maguire

(type or print name of practitioner)

P.O. Address

Plus \_\_\_\_\_ Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 3 of 4 )

**PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID  
(37 C.F.R. § 1.313(b))**

**ADDED PAGE FOR REASON(S)**

To consider prior art cited by the Japanese Patent  
Office in an IDS (Office Action mailed 5-Aug-08 from  
JPO). The IDS is being sent separately by U.S. Postal  
Service under Rule 8.

*(use additional pages, if necessary)*

Added Page ONE

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b))—Added Page [9-33])